

## CIVIL COVER SHEET

## APPENDIX

The JS 44 Civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

James A. Souder and Lana Souder

(b) County of Residence of First Listed Plaintiff Northumberland, PA  
(EXCEPT IN U.S. PLAINTIFF CASES)(C) Attorney's (Firm Name, Address, and Telephone Number)  
David B. Winkler, Esquire, Law Offices of David B. Winkler, P.C.  
1930 Route 70 East, Building Q, Cherry Hill, NJ 08003 (856) 616-1000

## DEFENDANTS

Alabama Motor Express, Inc and Eric M. Brion

County of Residence of First Listed Defendant Houston, AL  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)  
Thomas J. Wagner, Esquire, Law Offices of Thomas J. Wagner  
1528 Walnut Street, Philadelphia, PA 19102 (215) 790-0761

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff  3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant  4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)  
(For Diversity Cases Only)

PTF	DEF	PTF DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State <input type="checkbox"/> 4 <input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3 Foreign Nation <input type="checkbox"/> 6 <input type="checkbox"/> 6

## IV. NATURE OF SUIT (Place an ' in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 28 USC 157	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 450 Commerce	<input type="checkbox"/> 440 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 460 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 830 Other
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input checked="" type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 8400 Trademark
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 470 Selective Service	<input type="checkbox"/> 850 Securities/Commodities Exchange
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 710 Fair Labor Standards	<input type="checkbox"/> 861 HIA (1395ft)	<input type="checkbox"/> 875 Customer Challenge
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 365 Property Damage	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 962 Black Lung (923)	<input type="checkbox"/> 12 USC 3410
<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 370 Other Product Liability	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 375 Other Personal Injury	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 220	<input type="checkbox"/> 380 Other Property Damage	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 865 RS1 (405(g))	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 230 Lease & Ejectment	<input type="checkbox"/> 385 Property Damage	<input type="checkbox"/> 791 Emp. Ret. Inc. Security Act	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 390 Other	<input type="checkbox"/> 871 IRS-Third Party	<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 400 Other Civil Rights	<input type="checkbox"/> 26 USC 7609	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 290 All Other Real Property				
<input type="checkbox"/> 310 Personal Injury	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 875 Customer Challenge		
<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 520 Employment	<input type="checkbox"/> 962 Black Lung (923)		
<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 530 Housing/ Accommodations	<input type="checkbox"/> 863 DIWC/DIWW (405(g))		
<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 540 Welfare	<input type="checkbox"/> 864 SSID Title XVI		
<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 550 Amer. w/Disabilities - Employment	<input type="checkbox"/> 865 RS1 (405(g))		
<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 555 Amer. w/Disabilities - Other	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)		
<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 560 Civil Rights	<input type="checkbox"/> 871 IRS-Third Party		
<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 570 Prison Condition	<input type="checkbox"/> 26 USC 7609		
<input type="checkbox"/> 360 Other Personal Injury				
<input type="checkbox"/> 365 Property Damage				
<input type="checkbox"/> 370 Other Product Liability				
<input type="checkbox"/> 375 Other Personal Injury				
<input type="checkbox"/> 380 Other Property Damage				
<input type="checkbox"/> 385 Property Damage				
<input type="checkbox"/> 390 Other				
<input type="checkbox"/> 400 Other Civil Rights				

## V. ORIGIN

(Place an "X" in One Box Only)  
 1 Original Proceeding  2 Removed from State Court  3 Remanded from Appellate Court 4 Reinstated or Reopened  5 Transferred from another district  6 Multidistrict Litigation (specify) 7 Appeal to District Judge from Magistrate JudgmentCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. §1332 and §1446 - DiversityVI. CAUSE OF ACTION  
Brief description of cause:  
Plaintiff is a resident of Pennsylvania; Defendant is a resident of Alabama; accident occurred in Delaware.

## VII. REQUESTED IN COMPLAINT:

 CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$  CHECK YES only if demanded in complaint:  
JURY DEMAND:  Yes  NoVIII. RELATED CASE(S) IF ANY  
(See instructions):JUDGE  SIGNATURE OF ATTORNEY OF RECORD DOCKET NUMBER

DATE

2/18/05  
FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING REP

JUDGE

MAG. JUDGE